



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Application No.: 10/037,974  
Filing Date: November 9, 2001  
Applicant: John C. K. Hui  
Group Art Unit: 3731  
Examiner: Kevin Thao Truong  
Title: HIGH EFFICIENCY EXTERNAL COUNTERPULSATION  
APPARATUS AND METHOD FOR CONTROLLING SAME  
Attorney Docket: 4857-000001/CPF

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ☒ Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

B. ☐ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. ☐ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. ☒ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ☒ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ☐ See the attached foreign patent office communication from a counterpart foreign application:

2. ☐ English translations are provided:

3. ☒ Other:

FR 1.562.252 appears to show in the drawings an external massage device for a patient's lower extremities for selective application of pressure.

C. ☐ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ☐ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. ☒ **37 C.F.R. § 1.97(b):** (check only one box)

1. ☐ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. ☐ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4. ☒ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ☐ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. ☐ See the certification below. No fee is required.

C. ☐ 37 C.F.R. § 1.97(d):

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ☐ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ☐ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above identified fee.

B. ☐ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: May 24, 2005

By: [Signature]  
Michael Malinzak  
Reg. No. 43,770

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
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MAM/AEP/jal



**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Sheet 1 of 3

ATTORNEY DOCKET No.

SERIAL No.

4857-000001/CPF

10/037,974

APPLICANT

John C. K. Hui

FILING DATE

GROUP

November 9, 2001

3731

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		3,859,989	1/14/1975	Spielberg		
2.		3,862,629	1/28/1975	Rotta		
3.		3,961,625	6/8/1976	Dillon		
4.		4,077,402	3/7/1978	Benjamin, Jr. et al.		
5.		4,135,496	1/23/1979	Chazov et al.		
6.		4,269,175	5/26/1981	Dillon		
7.		4,343,302	8/10/1982	Dillon		
8.		4,590,925	5/27/1986	Dillon		
9.		4,738,249	4/19/1988	Linman et al.		
10.		4,971,042	11/20/1990	Lerman		
11.		5,000,164	3/19/1991	Cooper		
12.		5,090,417	2/25/1992	Mollan et al.		
13.		5,095,912	3/17/1992	Tomita		
14.		5,490,820	2/13/1996	Schock et al.		
15.		5,514,079	5/7/1996	Dillon		
16.		5,891,062	4/6/1999	Schock et al.		
17.		5,997,540	12/7/1999	Zheng et al.		
18.		6,120,431	9/19/2000	Magovern et al.		
19.		6,161,038	12/12/2000	Schookin et al.		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



PTO-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE**  
**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Sheet 2 of 3

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**FOREIGN PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		1562252	2/24/1969	France			X
2.		0203310	3/27/1986	EPO			
3.		1 078 649	2/28/2001	EPO			

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)**

Ref. Desig.	Examiner's Initials	
1.		E.S. Bucherl et al., Counterpulsation: Foundation and Future, with a Tribute to William Clifford Birtwell (1916-1978), pp. 20-23.
2.		W. Birtwell et al., Transactions - American Society for Artificial Internal Organs, Vol. XI, 1965, pp. 43-51.
3.		Lawrence S. Cohen, MD, FACC, et al., Sequenced External Counterpulsation and Intraaortic Balloon Pumping in Cardiogenic Shock, October 1973, The American Journal of Cardiology, Vol. 32, pp. 656-661.
4.		W. C. Birtwell et al., The Present Status of External Counterpulsation, 1979, pp. 71-78.
5.		Juan Lin et al., An Analytical Approach to the Determination of Optimal Phasing for External Counterpulsation, Journal of Bioengineering Vol. 2, 1978, pp. 167-175.
6.		Zhen-sheng Zheng et al., Sequential External Counterpulsation (SECP) in China, Transactions of the American Society Artificial Internal Organs, 1983; 29:599-603.
7.		William E. Lawson, MD et al., Enhanced External Counterpulsation for Chronic Myocardial Ischemia, The Journal of Critical Illness, Vol. 15, No. 11, November 2000.
8.		William E. Lawson et al., Treatment Benefit in the Enhanced External Counterpulsation Consortium, General Cardiology, Cardiology 2000; 94:31-35.
9.		The Journal of Heart Disease, Abstracts, May 1999, Vol. 1, Number 1, 4 pages.
10.		Supplement to Journal of the American College of Cardiology, 49th Annual Scientific Session, February 2000, 2 pp.
11.		Program & Abstracts, The Endocrine Society's 82nd Annual Meeting, June 21-24, 2000, 2 pp.

Examiner:

Date Considered:

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FORM PTO-1449 (Based on Form PTO-1449)

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Sheet 3 of 3

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Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
12.		Jay N. Cohn Supplement to Journal of Cardiac Failure, Vol. 6, Number 3, September 2000, 4 pp.				
13.		Abstracts from Scientific Sessions 2000, Supplement to Journal of the American Heart Association, November 12-15,2000, 2 pp.				
14.		British Cardiac Society Annual Conference, May 2001, Vol. 85, Supplement 1, 3 pp.				
15.		Hisashi Urano, MD et al., Enhanced External Counterpulsation Improves Exercise Tolerance, Journal of the American College of Cardiology, January 2001, Vol. 37, Number 1, pp. 93-97.				
16.		William E. Lawson, MD et al., Enhanced External Counterpulsation for Chronic Myocardial Ischemia, Critical Procedures: Number 138, The Journal of Critical Illness, Vol. 15, Issue 11, November 2000, 8 pp.				
17.		Ozlem Soran, MD et al., Enhanced External Counterpulsation in the Management of Patients with Cardiovascular Disease, Clin. Cardiol. 22, 173-178 (1999).				

Examiner:

Date Considered:

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